



RECEIVED
DEC 08 2003
TC 1700

Docket No.: 208326US0X



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/851,131
Applicants: Renzo BIGNAZZI, et al.
Filing Date: May 9, 2001
For: PROCESS FOR THE SEPARATION OF 2,6-
DIMETHYLNAPHTHALENE FROM MIXTURES
CONTAINING IT
Group Art Unit: 1764
Examiner: Nguyen, T. M.

SIR:

Attached hereto for filing are the following papers:

Petition Under 37 CFR 1.181

Our credit card payment form in the amount of _____ is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon

Registration No. 24,618

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Harris A. Pitlick
Registration No. 38,779



RECEIVED
DEC 08 2003
TC 1700

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
RENZO BIGNAZZI, ET AL. : EXAMINER: NGUYEN, T. M.
SERIAL NO: 09/851,131 :
FILED: MAY 9, 2001 : GROUP ART UNIT: 1764
FOR: PROCESS FOR THE SEPARATION :
OF 2,6-DIMETHYLNAPHTHALENE
FROM MIXTURES CONTAINING IT

PETITION UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants hereby petition the finality of the Office Action dated December 23, 2002.

REASONS FOR THE PETITION

In an amendment under 37 CFR 1.116 filed concurrently herewith, Applicants traverse the finality of the Office Action. However, in order to avoid having to file an Appeal Brief in this application or to file a continuing application, the last possible due date for which is the fast-approaching December 23, 2003, this petition is also being filed, in order to increase the likelihood of action on either the traversal or the petition on or before this last possible due date. Granting of the petition or sua sponte withdrawal of finality by the Examiner will result in pendency being maintained in the normal course of business. For this reason, Applicants request that any requirement of request for reconsideration before the Examiner under 37 CFR 1.181(c) be waived.

STATEMENT OF FACTS

In the amendment filed October 24, 2002, Claim 1 was amended by incorporating the subject matter of Claim 3 therein. All other additional amendments to Claim 1 were made to overcome formal rejections, but no further change in claim scope was effected. Claim 3 was previously rejected over the combination of Takagawa et al and Munson et al only. Thus, the reliance on Yokoyama et al in the first instance in the Final Office Action to reject present Claim 1 was **not** necessitated by Applicants' amendments.

ARGUMENT

As provided by M.P.E.P. § 706.07(a), a second or any subsequent action on the merits will not be made final if it includes a rejection on newly cited art of any claim not amended by Applicants in spite of the fact that other claims may have been amended to require newly cited art. In effect, present Claim 1 is of the same scope as original Claim 3.

Accordingly, it is respectfully requested that the finality of the Office Action be withdrawn.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
NFO/HAP/cja

Harris A. Pitlick
Registration No. 38,779